

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BB-ACE
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,	)	
	)	Sections 3, 5, and 7
Defendants.	)	
	)	

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ORDER SETTING STATUS CONFERENCE

THIS MATTER is before the Special Master to guide the course of the Rio Chama Stream System adjudication and pursuant to the Administrative Order Setting Status Conferences, entered September 21, 2004 (Docket No. 4601).

A status conference is set for Tuesday, June 14, 2005, at 10:00 a.m., in the Jury Assembly Room, United States District Court, 130 Federal Place, Santa Fe, New Mexico. The following matters will be discussed:

1. The status of the adjudication of Sections 3, 5 and 7, by counsel for the State of New Mexico, ex rel. State Engineer (State), particularly the status of the outstanding subfile orders in Section 3. The Procedural Order for Section 3, entered July 25, 2000 (Docket No. 5913, as amended, No. 6321) required claimants to file Consent Orders or Answers by December 28, 2001. By October 4, 2002, the State was to request hearings for all disputed claims. While information presented in previous status conferences has made clear that a great deal of work has been accomplished in this section, I am less clear that there exists a plan to complete the subfile activity

within a reasonable period of time. Accordingly, for receipt no later than June 10, counsel for the State shall submit to the Special Master, and serve on the Section 3 Distribution list, a detailed status report on the subfile activity for Section 3, including a proposed scheduling order for the remaining work.

2. The status of the adjudication of water rights priorities in Section 5, and proposed procedures and schedules for completing the task.

3. At the April 12, 2005, status conference, counsel for the United States of America reported that the settlement negotiations on the quantification of the United States' claims under the Wild and Scenic Rivers Act, pursuant to the Order entered November 18, 2004 (Docket No. 7660), was taking longer than had been expected. The United States' response and counter offer to the State's offer had been sent to the State only the week before. Counsel requested additional time for further negotiations. Accordingly, counsel for the United States shall appear and report in detail on the negotiations. Counsel may file a detailed status report in lieu of appearing or may appear via telephone, and should notify the Special Master of his decision at least one week prior to the conference.

4. At the April 12, 2005, status conference, pursuant to the Scheduling Order on Irrigation Water Requirements entered February 15, 2005 (No. 7761), counsel for the State reported that the State Engineer had determined that the modified Blaney-Criddle formula would be the methodology used to calculate CIR for these sections. Counsel for the Jicarilla Apache Nation, the Gallina Acequia Association and the Acequias Nortenas agreed with the choice of methodology. The Scheduling Order sets out the procedure for resolving any disputes between the State and Section 5 acequias with regard to the State's proposed CIRs and FDRs for those acequias.

Counsel for the State and for the Gallina acequias shall report the progress of their discussions regarding the proposed CIRs and FDRs, and the necessity, if any, for a supplemental scheduling order on irrigation water requirements.

5. Pursuant to the Orders entered February 8, 17 and 18, 2005 (Nos. 7759, 7763, and 7765),

a. counsel for the State shall report on the status of the following disputed subfiles:

i. CHRB-002-0001, Joe and Rosina Garcia Revocable Trust

ii. CHRB-002-0002, Joe Mundy

b. Counsel for the following parties shall report on the status of the following subfile disputes and discuss any necessity to amend the Pretrial Order:

i. CHRU-004-0039, Hope Miner and Norm Vogt, Inc.

ii. CHRU-003-0001, Elizabeth T. Peralta and Alfred Q. Peralta and Norm Vogt, Inc.

6. The November 19, 2002, Procedural Order (No. 6939, as amended, No. 7771) requires the State Engineer to prepare proposed consent orders regarding the Jicarilla Apache Nation's state law-based water rights claims by July 15, 2005. Counsel for the State and the Jicarilla Apache Nation shall report on their progress in this area.

7. Any other relevant matters.

8. Items which should be included in the next status conference set for Tuesday, August 9, 2005, and to be held in the Chama area.

Attendance by parties involved in the matters listed above is mandatory. Attendance by any other party is optional. The State shall serve this order on unrepresented individuals included in Paragraph 5, above.

IT IS SO ORDERED.

/electronic signature/  
SPECIAL MASTER VICKIE L. GABIN